

EXHIBIT F

Additionally, there are numerous types of businesses that do not feature expressive dance in a club setting, but which feature “nude” entertainment as it is defined under the \$5 Fee. Specifically, I am aware of businesses that feature entertainment with topless women or women

exposing part, and in many cases, most of, their buttocks. This includes concerts featuring female pop artists or female backup dancers. As just one example, Beyonce Knowles prominently features her buttocks at The Formation World Tour's stop at NRG Stadium in Houston, Texas on May 7, 2016. (available at <https://www.pinterest.com/pin/482025966348763099/>, last accessed on April 13, 2018). A true and correct copy of a photo depicting this is attached to this Motion for Summary Judgment at Exhibit K. Alcohol was served at this concert. The Comptroller did not assess the \$5 Fee for this event. Last year, Katy Perry performed in Dallas and exposed portions of her breasts below the top of her areolas as well as part of her buttocks. Alcohol was served at the Katy Perry Concert. Female pop artists regularly perform throughout Texas at venues serving alcohol, entertaining, while showing off all or part of their breasts and/or buttocks. The Comptroller assesses no \$5 Fee for these concerts.

Other additional events featuring nude entertainment, and at which alcohol was served for profit, occur throughout Texas regularly. The Comptroller does not assess the \$5 Fee against them. For example, the Suicide Girls burlesque troupe frequently tours throughout Texas and plays at concert venues where alcohol is served. Those shows feature uncovered breasts and buttocks. A true and correct copy of a Houston Press article depicting photos of a Suicide Girls performance at Warehouse Live in Houston on May 1, 2017 is attached to this Motion for Summary Judgment as Exhibit L. (available at <http://www.houstonpress.com/slideshow/suicide-girls-scorch-warehouse-live-in-houston-nsfw-9402005/17>, last accessed on April 13, 2018). They returned to Houston and again performed at Warehouse Live on March 19, 2018, and again, alcohol was served for profit. A true and correct copy of a Houston Press article depicting photos from that event is attached at Exhibit M. (available at <http://www.houstonpress.com/slideshow/st-patricks-day-and-suicide-girls-blackheart-burlesque-10308635>, last accessed on April 13, 2018).

Last year I attended a bodybuilding competition in Dallas that allowed the general public to access the venue and view the competitors for entertainment. Alcohol was served at the venue and during the event. The male competitors exposed their buttocks and the female competitors exposed their breasts and buttocks. The Comptroller did not assess a \$5 Fee for this event.

The restaurants described in my deposition on Pages 46 and 47 all serve alcohol or served alcohol when they were in business. The Comptroller did not assess the \$5 Fee Statute against them.

The Comptroller does not enforce the \$5 Fee Statute against any type of business, except for nightclubs featuring expressive dance, despite that numerous such Sexually Oriented Businesses other than nightclubs featuring expressive dance exist and do business throughout Texas. I am not a lawyer and am not an expert on the meaning or construction of the \$5 Fee, but I am very familiar with how it is applied. The Comptroller enforces the \$5 Fee Statute only against night clubs featuring expressive dance.

Prior to mid-2015, the Comptroller did not assess the \$5 Fee Statute against the Latex Clubs. If they had, many of the Latex Clubs would have either gone topless or gone out of business. It makes no sense for a club to operate at an economic disadvantage to avoid an administrative fee if the club's decision to do so does not eliminate their exposure to that fee.

I, Steve Craft, declare under penalty of perjury that the foregoing is true and correct to the

best of my knowledge.

EXECUTED on April 13, 2018



Steve Craft